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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
BAYARD, DJENANE M	

ART UNIT	PAPER NUMBER
2141	

DATE MAILED: 06/18/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/779,009	YAMASAKI, THOMAS M.	
	Examiner	Art Unit	
	Djenane M Bayard	2141	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *07 February 2000*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *4*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Information Disclosure Statement

1. There is no Information Disclosure Statement (IDS) PTO-1449 provided in the Application. Applicant(s) is/are advised to resubmit the PTO-1449 in response to this office action.

Specification

2. The disclosure is objected to because it contains an embedded hyperlink and/or other form of browser-executable code. Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-8 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application No. 2001/0018639 to Bunn.

a. As per claim 1, Bunn et al teaches a network appliance for communicating information comprising: means for inputting information by a user (See page 3, paragraph [0041-0042]); memory means for electronically storing the information (See page 1, paragraph [0013]); and processor means for communicating the information to and from a network, said information comprising digital representations of user preferences, and interactions between the user and a vehicle (See page 1, paragraph [0018]).

b. As per claim 2, Bunn et al teaches wherein said information further comprises at least one of interactions between the vehicle and an in-vehicle computer, physical location of the user and the vehicle, physical destination of the user and the vehicle, physical location of a business, and business to consumer messages (See page 1, paragraph [0014]).

c. As per claim 3, Bunn et al teaches wherein said interactions between the vehicle and the in-vehicle computer further comprise at least one of monitoring fuel level, monitoring oil level, monitoring engine temperature, monitoring brake function and condition, monitoring gas cap placement, monitoring vehicle door status, monitoring transmission status, monitoring vehicle speed, monitoring engine speed, monitoring battery charge, monitoring body integrity, and monitoring physical proximity (See page 2, paragraph [0034]).

d. As per claim 4, Bunn et al teaches wherein said network further comprises the Internet (See page 2, paragraph [0030]).

e. As per claim 5, Bunn et al teaches wherein said network appliance is installed in the vehicle (See page 2, paragraph [0032]).

f. As per claim 6, Bunn et al teaches wherein said vehicle further comprises at least one of an automobile, a boat, and a motorcycle (See page 1, paragraph [0003]).

g. As per claim 7, Bunn et al teaches wherein said interactions between the user and the vehicle further comprise at least one of depressing an acceleration pedal, depressing a braking

pedal, depressing a clutch pedal, turning a steering wheel, turning on headlights, turning on windshield wipers, turning on in-vehicle climate controls, turning on an engine, turning off the engine, releasing the acceleration pedal, and releasing the braking pedal.

h. As per claim 8, Bunn et al teaches wherein said means for inputting information by a user further comprises means for inputting information via speech (See page 3. paragraph [0043]).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 9, 14-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 2004/0066330 to Knockeart et al in view of U.S. Patent No. 6,604,160 to le et al.

As per claims 9 and 16, Knockeart et al teaches a method for communicating information between a vehicle and a system of networked computers, comprising the steps of: requesting information from the system of networked computers (See page 1, paragraph [0010]). However, Bunn et al fails to teach determining operational conditions of the vehicle; determining if the operational conditions are safe to process the request; and if it is safe to process the request, sending the information request to the system of networked computers.

Le et al teaches determining operational conditions of the vehicle; determining if the operational conditions are safe to process the request; and if it is safe to process the request, sending the information request to the system of networked computers (See col. 2, lines 62-67 and col. 3, lines 1-9).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate determining operational conditions of the vehicle; determining if the operational conditions are safe to process the request; and if it is safe to process the request, sending the information request to the system of networked computers as taught by Mack, II et al in the claimed invention of Le et al in order to access-seeking tasks to perform operations (See col. 3, lines 10-11).

b. As per claim 14, Knockeart et al in view of Le et al teaches the claimed invention as described above. Furthermore, Knockeart et al teaches requesting information from the system of networked computers further comprises requesting at least one of location-based, time-based, and vehicle diagnostic information (See page 1, paragraph [0010]).

c. As per claims 15 and 17, Knockeart et al in view of Le et al teaches the claimed invention as described above. Furthermore, Knockeart et al teaches wherein said system of networked computers further comprises the Internet (See page 22. paragraph [0367]).

d. As per claim 18, Knockeart et al teaches wherein the input device further comprises a keyboard (See page 8, paragraph [0118]).

7. Claims 10-13, 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 2004/0066330 to Knockeart et al in view of U.S. Patent No. 6,604,160 to le et al as applied to claim 9 above, and further in view of U.S. Patent No. 6,529,711 to Yoshida et al.

a. As per claim 10, Knockeart et al in view of Le et al teaches the claimed invention as described above. However, Knockeart et al in view of Le et al fails to teach checking if there is a manual override by a user; if there is a manual override, sending the information request to the

system of networked computers; and if there is no manual override, notifying the user of the delay and eventually resuming processing of the information request.

Yoshida et al teaches a terminal for wireless communication. Furthermore, Yoshida et al teaches checking if there is a manual override by a user; if there is a manual override, sending the information request to the system of networked computers; and if there is no manual override, notifying the user of the delay and eventually resuming processing of the information request (See col. 2, lines 15-22)

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate checking if there is a manual override by a user; if there is a manual override, sending the information request to the system of networked computers; and if there is no manual override, notifying the user of the delay and eventually resuming processing of the information request as taught by Yoshida et al in the claimed invention of Knockeart et al in view of Le et al in order to control the transmission and reception of signals performed by the wireless communication device (See col. 2, lines 7-9).

b. As per claim 11, Knockeart et al in view of Le et al teaches the claimed invention as described above. However, Knockeart et al in view of Le et al fails to teach checking whether a user clarification is required; if no clarification is required, receiving information from the system of networked computers; and if clarification is required, resending the information request to the system of networked computers.

Yoshida et al teaches checking whether a user clarification is required; if no clarification is required, receiving information from the system of networked computers; and if clarification is required, resending the information request to the system of networked computers (See col. 4, lines 10-13)

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate checking whether a user clarification is required; if no clarification is required, receiving information from the system of networked computers; and if clarification is required, resending the information request to the system of networked computers as taught by Yoshida et al in the claimed invention of Knockeart et al in view of le et al in order to control the

transmission and reception of signals performed by the wireless communication device (See col. 2, lines 7-9).

c. As per claims 12 and 20, Knockeart et al in view of Le et al teaches the claimed invention as described above. Knockeart et al teaches a method for communicating information between a vehicle and a system of networked computers, comprising the steps of: requesting information from the system of networked computers (See page 1, paragraph [0010]). However, Bunn et al fails to teach determining operational conditions of the vehicle; determining if the operational conditions are safe to process the request; and if it is safe to process the request, sending the information request to the system of networked computers.

Le et al teaches determining operational conditions of the vehicle; determining if the operational conditions are safe to process the request; and if it is safe to process the request, sending the information request to the system of networked computers (See col. 2, lines 62-67 and col. 3, lines 1-9).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate determining operational conditions of the vehicle; determining if the operational conditions are safe to process the request; and if it is safe to process the request, sending the information request to the system of networked computers as taught by Mack, II et al in the claimed invention of Le et al in order to access-seeking tasks to perform operations (See col. 3, lines 10-11). However, Knockeart et al in view of Le et al fails to teach receiving information from the system of networked computers; caching the information received;

Yoshida et al teaches receiving information from the system of networked computers caching the information received (See col. 2, lines 60-67).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate receiving information from the system of networked computers; caching the information received

8. Claims 13-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 2004/0066330 to Knockeart et al in view of U.S. Patent No. 6,604,160 to le et al as applied to claim 9 above, and further in view of U.S. Patent No. 6,510,325 to Mack, II et al.

a. As per claims 13 and 19, Knockeart et al in view of Le et al teaches the claimed invention as described above. However, Knockeart et al fails to teach checking if there is a manual override by the user; if there is no manual override, notifying the user of the delay and eventually resuming processing of the received information; and if there is a manual override, delivering the received information to the user.

Mack, II et al teaches checking if there is a manual override by the user; if there is no manual override, notifying the user of the delay and eventually resuming processing of the received information; and if there is a manual override, delivering the received information to the user.

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate checking if there is a manual override by the user; if there is no manual override, notifying the user of the delay and eventually resuming processing of the received information; and if there is a manual override, delivering the received information to the user as taught by Mack, II et al in the claimed invention of Knockeart et al in view of Le et al in order to one system is automatically interrupted based on higher priority (See col.2, lines 59-62).

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Djenane M Bayard whose telephone number is (703) 305-6606. The examiner can normally be reached on 7:00 AM-4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on (703) 305-4003. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Djenane Bayard

RUPAL DHARIA
SUPERVISORY PATENT EXAMINER